

**CITY OF NEWPORT BEACH  
PLANNING COMMISSION AGENDA  
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE**

**THURSDAY, AUGUST 8, 2013  
REGULAR MEETING – 6:30 p.m.**

**BRADLEY HILLGREN  
Vice Chair**

**FRED AMERI  
Secretary**

**TIM BROWN  
KORY KRAMER  
RAYMOND LAWLER  
JAY MYERS  
LARRY TUCKER**

**Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:**

**KIMBERLY BRANDT, Community Development Director  
BRENDA WISNESKI, Deputy Community  
Development Director**

**LEONIE MULVIHILL, Assistant City Attorney**

**TONY BRINE, City Traffic Engineer**

**MARLENE BURNS, Administrative Assistant**

**NOTICE TO THE PUBLIC**

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or [lbrown@newportbeachca.gov](mailto:lbrown@newportbeachca.gov)).

**APPEAL PERIOD:** Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

**NEWPORT BEACH PLANNING COMMISSION AGENDA  
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE  
THURSDAY, AUGUST 8, 2013  
REGULAR MEETING – 6:30 p.m.**

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. ELECTION OF OFFICERS**

**ITEM NO. 1**

- a. The Commission will elect officers to serve for the year.
  - Chair
  - Vice Chair
  - Secretary
- b. Appointment to the General Plan/LCP Committee
  - Chair to appoint one additional member, and confirm existing appointments

**V. PUBLIC COMMENTS**

*Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.*

**VI. REQUEST FOR CONTINUANCES**

**VII. CONSENT ITEMS**

**ITEM NO. 2      MINUTES OF JUNE 20, 2013**

**Recommended Action:** Approve and file

**VIII. PUBLIC HEARING ITEMS**

*Speakers must limit comments to three (3) minutes on all items. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.*

*If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.*

**ITEM NO. 3      TANNIR RESIDENCE (PA2013-110)**

**Site Location:** 3235 Ocean Boulevard

**Summary:**

The applicant proposes to construct a 3-level, single-family residence with a Variance to allow:

- a. the lower level of the residence to encroach 10 feet into the required 10-foot front yard setback; and
- b. a portion of the new staircase and its railings located along the east property line to exceed the 6-foot height limit by 3 feet, for a total height of 9 feet.

**CEQA Compliance:**

The proposed project has been reviewed and it has been determined that it is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines – Class 3 (New

Construction or Conversion of Small Structures). This exemption includes construction of a single-family residence in a residential area. The proposed project is a single-family residence to be constructed in the R-1 (Single-Unit Residential) Zoning District.

**Recommended Action:**

1. Conduct public hearing; and
2. Adopt Resolution No. \_\_\_\_ approving Variance No. VA2013-004 and finding the project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

**ITEM NO. 4 SCHULEIN PARKING USE PERMIT AND VARIANCE (PA2013-090)**

**Site Location:** 2828 East Coast Highway

**Summary:**

The applicant proposes to demolish the existing building and construct a two-unit commercial building with a surface parking lot with nine spaces. The applicant requests a Conditional Use Permit to establish a Parking Management Plan to reduce the required off-street parking by two parking spaces (11 required, 9 proposed), and a Variance to allow the parking spaces to encroach 1-foot into the required 5-foot alley setback and for more than 10-feet of the alley right-of-way to be used to accommodate the required drive aisle width.

**CEQA Compliance:**

Staff recommends that the Planning Commission find the project is categorically exempt under Section 15332, of the California Environmental Quality Act (CEQA) Guidelines - Class 32 (In-Fill Development). Class 32 exempts in-fill development meeting the following conditions: the project is consistent with the General Plan and Zoning Code; the proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site must be able to be adequately served by all required utilities and public services.

The property is developed, within the City Boundary, less than 5 acres in area, is surrounded by urban uses, and has no value as habitat. The proposed project is consistent with the General Plan and Zoning Code, and would be adequately served by all required utilities and public services. The project would not result in significant effects relating to traffic, noise, air quality or water quality because the proposed project would be developed at a lower intensity than allowed by the General Plan and Zoning Code, and the construction and operation of the project would meet all local, state, and federal requirements. As demonstrated within this report and the attached resolution, the proposed project meets all of the required conditions to qualify for the Class 32 exemption.

**Recommended Action:**

1. Conduct public hearing; and
2. Adopt Resolution No. \_\_\_\_ approving Conditional Use Permit No. UP2013-007 and Variance No. VA2013-007.

**IX. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 5 MOTION FOR RECONSIDERATION**

**ITEM NO. 6      COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

**ITEM No. 7      COMMITTEE UPDATES**

1. Land Use Element Amendment Advisory Committee
2. General Plan/Local Coastal Program Implementation Committee

**ITEM NO. 8      ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS  
WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR  
REPORT**

**ITEM NO. 9      REQUESTS FOR EXCUSED ABSENCES**

**X.      ADJOURNMENT**

## August 8, 2013 Planning Commission Agenda Comments

Correction of typos in Resolution of Approval suggested by: Jim Mosher ( [jimmosher@yahoo.com](mailto:jimmosher@yahoo.com) ), 2210 Private Road, Newport Beach 92660 (949-548-6229).

### ***Item No. 3 Tannir Residence (PA2013-110)***

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Brion Jeannette Architecture, with respect to property located at 3235 Ocean Boulevard, and legally described as ~~the~~ southeasterly one-half of Lot 15 and Lot 16 of Tract 1026.

...

#### Facts in Support of Finding:

A-1. ... From there on, the site ~~transition~~ transitions to an approximate 1:1 slope that extends approximately 50 feet downward to the 14.0 foot contour and flattens out to Breakers Drive. ... the new residence will be facing a similar restriction ~~of to~~ redevelop within the existing building footprint on the subject site ...

A-2. The California Coastal Commission desires minimal “new” improvements on the bluff face. As a result, the existing improvements within this area need to be preserved and ~~repair~~ repaired as necessary.

...

C-2. The retaining of existing staircase on the bluff and the addition of a 12 feet, 7 inches new staircase to provide adequate access between the main dwelling and the accessory structure below will cause ~~the~~ least amount of disruption to the coastal bluff.

...

D-2. The proposed staircase will be built with wood framing on piles ~~consisting~~ consistent with the existing staircase, ...

...

E-2. The new staircase location will result ~~in~~ the least alteration to the coast bluff ...

...

F.2 The staircase will not be incompatible with the neighborhood in that all other properties along this section of Ocean Boulevard have staircases on the bluff to provide access to either Breakers Drive or Corona del Mar State Beach and the Bluff Overlay regulations ~~allowed~~ allow for staircases.

...

## CONDITIONS OF APPROVAL

5. Accessory structures shall be relocated or removed if threatened by coastal erosion. Accessory structures shall not be expanded ~~and~~ but routine maintenance of accessory structures is permitted.

19. A CAL-OSH permit shall be required.

24. The new residence shall in compliance with CBC or CRC for exiting, number of stories, travel distance, and all required Fire safety and structural provisions. **[the acronym "CRC" is not defined, and I don't know what it stands for]**

28. The applicant shall comply with SCAQMD Rule 403 requirements as follows: . **[I know what it is, but the acronym "SCAQMD" is not defined]**

41. Smoke alarms shall be required on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms, in each room used for sleeping purposed, and on each dwelling level as C.F.C Section 907.2.11.2. **[the acronym "C.F.C" – I assume standing for "California Fire Code" -- is not defined, and the word "as" just before it is probably intended to read either "per" or "as defined in" – but I'm not sure which]**



# Work Program & Project Schedule

CITY OF NEWPORT BEACH

## PROJECT TIMELINE

